

LOCAL RULE COVERSHEET

This coversheet must be attached or included with all local rule submissions to the Division of State Court Administration.

County: Jefferson

Courts Included: Circuit and Superior

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Are the attached rules:

- ☐ Previously enacted with no changes and submitted solely for posting to the Internet;
- ☐ Newly revised or redrafted and submitted for posting to the Internet and comment;
- ☒ A mixture of prior rules and new revisions.

Do any of the rules contained in this packet:

- ☐ Make changes to local rules pursuant to Crim.R. 2.2
- ☒ Make changes to local rules pursuant to Trial.R. 79
- ☐ Make changes to local rules with respect to caseload allocation and Weighted Caseload
- ☒ Make changes to local rules for Court reporters pursuant to Admin.R. 15

LOCAL COURT RULES
FOR THE
JEFFERSON CIRCUIT COURT
AND
JEFFERSON SUPERIOR COURT
INDIANA

CURRENT TO MARCH 7, 2006

FRED H. HOYING, JUDGE
JEFFERSON SUPERIOR COURT

TED R. TODD, JUDGE
JEFFERSON CIRCUIT COURT

LR39-AR00-AD-1

- A. No person shall enter the Jefferson County Courthouse
Carrying a deadly weapon of any kind or type, whether
carried openly or concealed.
- B. Exceptions to A: This rule does not apply to
individuals who qualify under Indiana Code 35-41-1-17
as Law Enforcement Officers.

LR39-CF2.2-CR-2

Pursuant to Criminal Rules 2.2, 12 and 13, the Jefferson Circuit Court and the Jefferson Superior Court hereby amend Local Rule No. 2 to read as follows:

A. Except as hereinafter set forth, all misdemeanor cases shall be filed in the Jefferson Superior Court.

B. Any Title 35 offenses where the Defendant is under the age of eighteen shall be filed in the Jefferson Circuit Court. All class D felony non-support cases shall be filed in the Jefferson Circuit Court.

C. All other class D felonies shall be filed in the Jefferson Superior Court.

D. All murder and class A felony cases shall be filed in the Jefferson Circuit Court.

E. All other class B and class C felonies shall be filed randomly in either Court, with the Clerk choosing, by lot, which Court shall be selected.

F. Any criminal charge based upon the issuance of a protective order issued by either Court shall be filed in the Court that issued the protective order. Any criminal case against a person who has an unresolved case in either Court shall be filed in the Court where the first offense is pending,

except murder and class A felony charges which shall be filed in the Jefferson Circuit Court.

G. Any cases which may be joined by statutes shall be treated as one case for purposes of determining which Court shall be selected. The highest charge filed shall determine selection.

H. The judges of the two courts shall retain authority to reassign cases between the courts whenever the workload of each Court or convenience in handling the case make such a reassignment judicially desirable.

I. When a motion for change of judge has been granted pursuant to Criminal Rule 12(B), the Clerk shall assign a judge randomly from the following list:

1. Judge of the Scott Circuit Court
2. Judge of the Scott Superior Court
3. Judge of the Switzerland Superior Court
4. Judge of the Jennings Circuit Court
5. Judge of the Jennings Superior Court
6. Judge of the Ripley Circuit Court
7. Judge of the Ripley Superior Court
8. Either judge of the Jefferson Circuit Court
or the Jefferson Superior Court depending
from whom the change has been taken.

J. In the event a case is dismissed and re-filed, the judge last having jurisdiction in the dismissed case shall be the judge in the new case.

This rule shall be effective as soon as approved by the Indiana Supreme Court pursuant to Criminal Rule 2.2.

Whenever a special judge is to be selected pursuant to Trial Rule 79(H), the following method shall be used:

A. The Jefferson County Clerk shall select a Special Judge by making a random selection from the following list, excluding the then presiding judge of the Court and the judge before whom the case is then pending:

1. Judge of the Jefferson and Switzerland Circuit Court;
2. Judge of the Jefferson Superior Court;
3. Judge of the Dearborn and Ohio Circuit Courts;
4. Judge of the Dearborn Superior Court - No. 1;
5. Judge of the Dearborn Superior Court - No. 2;
6. Judge of the Ohio and Switzerland Superior Courts;
7. Judge of the Ripley Circuit Court;
8. Judge of the Ripley Superior Court.

B. In the event no judge listed above is eligible to serve as special judge or the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, that situation shall be certified to the Indiana Supreme Court for selection of a special judge.

This rule shall become effective when approved by the Indiana Supreme Court pursuant to Trial Rule 79.

LR39-PT01-DR-4
VISITATION GUIDELINES

In the event the parties are unable to agree on visitation rights to which a non-custodial parent is entitled, or in joint custody situations for the parent not having primary physical custody, the following shall be the Court's presumptive visitation guidelines. The Court shall alter same for good cause shown by either party.

- (1) ALTERNATING WEEKENDS from 6:00 P.M. on Friday until 6:00 P.M. on Sunday.
- (2) YEARS ENDING IN ODD NUMBER:
 - (A) The night before each child's birthday from 6:00 P.M. until 9:00 P.M.
 - (B) Memorial Day weekend from 6:00 P.M. on Friday until 6:00 P.M. on Monday.
 - (C) Independence Day from 6:00 P.M. on July 3 until 6:00 P.M. on July 5.
 - (D) Thanksgiving from 6:00 P.M. on Wednesday until 6:00 P.M. on Sunday.
 - (E) Christmas from 6:00 P.M. on December 20 until 6:00 P.M. on December 24.
 - (F) Martin Luther King holiday from 6:00 P.M. the day before until 6:00 P.M. the day of the state holiday itself.
- (3) YEARS ENDING IN EVEN NUMBER:
 - (A) Each child's birthday from 10:00 A.M. until 6:00 P.M.
 - (B) Easter weekend from 6:00 P.M. on Good Friday until 6:00 P.M. Easter Sunday.
 - (C) Labor Day weekend from 6:00 P.M. on Friday until 6:00 P.M. on Monday.
 - (D) Halloween evening from 6:00 P.M. until 9:00 P.M.
 - (E) Christmas from 6:00 P.M. on December 24 until 6:00 P.M. on January 1.
 - (F) Spring Break as set by the school.
- (4) EVERY YEAR on non-custodial parent's BIRTHDAY and MOTHER'S or FATHER'S DAY from 10:00 A.M. until 6:00 P.M. Likewise, the custodial parent shall have visitation on the custodial parent's BIRTHDAY and MOTHER'S DAY or FATHER'S DAY when such day conflicts with the non-custodial parent's visitation schedule.

- (5) ONE EVENING PER WEEK DURING THE REGULAR SCHOOL TERM, FROM 6:00 P.M. TO 9:00 P.M. IN THE EVENT THE PARTIES CANNOT AGREE ON THE DAY OF THE WEEK, THAT DAY SHALL BE WEDNESDAY.
- (6) IN THE SUMMERTIME FOR PRE-SCHOOL AGE CHILDREN FOR TWO WEEKS IN JUNE AND TWO WEEKS IN JULY EACH YEAR TO BE DETERMINED BY THE NON-CUSTODIAL PARENT ON OR BEFORE MAY 1 OF EACH YEAR.
- (7) IN THE SUMMERTIME FOR SCHOOL AGE CHILDREN FOR TWO NON-CONSECUTIVE TWO WEEK PERIODS OR ONE CONSECUTIVE THREE WEEK PERIOD TO BE DETERMINED BY THE NON-CUSTODIAL PARENT ON OR BEFORE MAY 1 OF EACH YEAR. THE CUSTODIAL PARENT IS LIKEWISE ENTITLED TO SIMILAR EXTENDED ACCESS. THESE VISITATION PERIODS SHALL BE WITHOUT INTERRUPTION BY ANY OTHER VISITATION RIGHT INCLUDING WEEKENDS OR HILIDAY, ETC.
- (8) EACH PARENT SHALL ALLOW LIBERAL BUT REASONABLE TELEPHONE AND MAIL PRIVILEGES WITH THE CHILDREN.
- (9) AT EACH CHANGE OF POSSESSION, THE PARENT TAKING POSSESSION OR OBTAINING ACCESS SHALL PICK UP THE CHILD, THE PARENT YIELDING POSSESSION OR ACCESS SHALL HAVE THE CHILD READY AT THE APPROPRIATE TIME.
- (10) NOTICE OF INTENT TO NOT EXERCISE VISITATION SHALL BE GIVEN T LEAST 3 DAYS PRIOR TO SCHEDULED VISITATION UNLESS AN EMERGENCY EXISTS; IN WHICH EVENT NOTICE SHALL BE AS SOON AS POSSIBLE UNDER THE CIRCUMSTANCES.
- (11) THE CUSTODIAL PARENT SHALL SUPPLY COPIES OF ALL SCHOOL REPORTS TO THE OTHER PARENT WITHIN 10 DAYS OF THEIR RECEIPT. THE CUSTODIAL PARENT SHALL NOTIFY THE OTHER PARENT OF MEDICAL CONDITIONS OF A CHILD WITHIN A REASONABLE TIME, BUT NOT LATER THAN THE NEXT SCHEDULED VISITATION. EMERGENCY MEDICAL CONDITIONS MUST BE REPORTED IMMEDIATELY.

WHERE GEOGRAPHICAL DISTANCES MAKE COMPLIANCE WITH THESE GUIDELINES IMPRACTICAL, THE NON-CUSTODIAL PARENT SHALL HAVE SIX WEEKS OF SUMMER VISITATION, ONE WEEK AT SPRING BREAK BEGINNING THE FRIDAY THE SCHOOL WEEK ENDS PRIOR TO SPRING BREAT AT 6:00 P.M., ONE WEEK AT CHRISTMAS BEGINNING ON DECMEBER 25 AT 6:00 P.M., ALTERNATE THANKSGIVING HOLIDAYS BEGINNING AT 6:00 P.M. WEDNESDAY UNTIL 6:00 P.M. SUNDAY, ONE WEEKEND PER MONTH FROM

6:00 P.M. FRIDAY UNTIL 6:00 P.M. SUNDAY, AND ANY OTHER
REASONABLE TIMES THE PARTIES MAY AGREE TO.

WHERE CHILDREN ARE LESS THAN ONE YEAR OLD, VISITATION SHALL BE
ALTERNATE SATURDAYS OR ALTERNATE SUNDAYS FROM 10:00 A.M. UNTIL
6:00 P.M. IF THE CHILD IS LESS THAN THREE MONTHS OLD SUCH PERIOD
SHALL BE FROM 2:00 P.M. UNTIL 6:00 P.M.

**[NOTE: Superceded by the Indiana Parenting Time Guidelines as of
March 31, 2001. Kept for reference for orders issued prior
thereto.]**

PARENTING SEMINAR REQUIRMENT

In any dissolution, paternity, or separation proceeding involving children under the age of eighteen, where custody or visitation is at issue, both parties shall attend and complete the *Transparenting* seminar. In any post-dissolution proceeding where custody is at issue, both parties shall attend and complete the seminar unless a party has attended the seminar within the past two years. The parties are responsible for the payment of all fees required for attendance.

Failure to attend and complete the seminar may constitute cause for the denial of the granting of the dissolution or the custodial or visitation relief requested. Action may also be continued until attendance is accomplished. A party, with leave of Court, may attend a similar seminar or program. A party, with leave of Court, upon motion and for cause shown, may be excused from attending such seminar.

At the time of the filing of a dissolution, paternity, or separation proceeding or a post-dissolution proceeding where custody is an issue, the moving party shall serve a Notice upon the opposing party of this requirement.

1. Court Reporters shall be paid an annual salary.
2. Court Reporters shall do all transcripts on their own time using their own equipment.
3. Court Reporters may charge ~~\$4.00~~ **\$4.50** per page for appellate transcripts (including Table of Content pages and the Volume cover pages). Court Reporter may charge ~~\$4.00~~ **\$4.50** per page for other transcripts and ~~\$2.00~~ **\$2.25** per page for copies of transcripts. If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be ~~\$7.00~~ **\$7.50** per page where the transcript must be prepared within 24 hours or less and ~~\$5.50~~ **\$6.00** per page where the transcript must be prepared within 3 working days. A minimum fee of ~~\$40.00~~ **\$45.00** may be charged for transcripts of ten pages or less. An hourly rate of ~~\$20.00~~ **\$21.00** per hour may be charged for time spent binding the transcript and exhibit volumes.
4. Court Reporters shall submit directly to the county claims for indigent transcripts.
5. Court Reporters on a form prescribed by the state, shall on an annual basis report income for transcripts to the Indiana Supreme Court Division of State Court Administration.

6. Court Reporters shall not engage in the private practice of recording depositions or of typing deposition transcripts.

7. The Court can also contract transcript preparation to non-employees at the prices heretofore stated.

8. The Court and the Court Reporter shall enter into a separate written agreement that will regulate the terms and conditions by which gap and overtime hours are governed.